IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2642 of 2007

STC.78/2004 of J.M.F.C.-II(FOREST OFFENCES),MANJERI

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PETITIONER/ACCUSED:

ALICE THOMAS, LADY HEALTH INSPECTOR,
P.H.CENTRE, MUZHAKKUNNU, KANNUR DISTRICT,
RESIDING AT MAVILA VEEDU, P.O.PAYAM EAST,
IRITTY, KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY SHO
MANJERI POLICE STATION, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRABABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No. 2642 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the sole accused in S.T.C.No.78/04 on the file of the Judicial First Class Magistrate's Court-II, Manjeri for offence punishable under section 138 of the Negotiable Instruments Act. She is a Lady Health Inspector in the Primary Health Centre, Muzhakkunnu in Kannur District. Non Bailable Warrant of arrest was issued against her by the learned Magistrate consequent on her non-appearance.

3. According to the petitioner, she did not receive summons, which was issued in her official address, as she was on medical leave. This Court, vide Annexure A2 order, observed that anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction and

disposed of the earlier bail application filed under Section 438 Cr.P.C., directing that if an application for regular bail is filed by the petitioner within two weeks that shall be considered and disposed of by the learned Magistrate preferably on the same day on which it is filed.

4. This application for anticipatory bail is again filed after four months alleging that the learned Magistrate has remanded similarly situated accused persons and therefore it has become impossible for the petitioner to surrender before the learned Magistrate.

In the result, I allow this bail application and direct:

(i) the petitioner to surrender before the learned Magistrate concerned positively within ten days from today;

(ii) on such surrender and on her depositing, by way of cash security, an amount of Rupees ten

thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) on such release the petitioner shall invariably appear before the learned Magistrate on all posting dates of the case. Any failure in that regard shall entail forfeiture of the cash security that may be deposited by the petitioner forthwith and the learned Magistrate shall be entitled to treat the bail as cancelled and to proceed against the petitioner and her sureties, according to law.

4th May, 2007 (K.P.Balachandran, Judge)

tkv